Attorney's Docket No.:	4728.P054	P	ATENT
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DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and

ne specification of which				
X is attached				
was filed o	on nited States Application N	as		
or	PCT International Applica	ation Number		
an	id was amended on	(if applicable)	 ·	
		(II applicable)		
		the contents of the above-iden any amendment referred to a		
acknowledge the duty to defined in Title 37, Code of	disclose all information kn f Federal Regulations, Se	nown to me to be material to paction 1.56.	atentabilit	y as
		cate having a filing date before	e that of th	ne
pplication on which priorit	y is claimed:	cate having a filing date before	e that of th Priori <u>Claim</u>	ty
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pplication on which priorit	y is claimed:) Country	Day/Month/Year Filed	Priori Claim Yes	ty ned No No
pplication on which priority rior Foreign Application(s Number Number Number Number	Country Country Country Country Inder Title 35, United State	Day/Month/Year Filed Day/Month/Year Filed	Priori Claim Yes Yes	ned No No No
Prior Foreign Application(s Number Number Number	Country Country Country Country Inder Title 35, United State	Day/Month/Year Filed Day/Month/Year Filed Day/Month/Year Filed	Priori Claim Yes Yes	ty ned No No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

-		
Application Number	Filing Date	Status patented, pending, abandoned
Application Number	Filing Date	Status patented, pending, abandoned
part of this document) as my res	pective patent attorneys a osecute this application a	(which is incorporated by reference and a and patent agents, with full power of and to transact all business in the Patent
Send correspondence to CI 12400 Wilshire Boulevard 7th	nun M. Ng, BLAKELY, S Floor, Los Angeles, Cal to <u>Chun M. Ng</u> , (425) 8	SOKOLOFF, TAYLOR & ZAFMAN LLP, lifornia 90025 and direct telephone calls 827-8600.
statements made on informati statements were made with th are punishable by fine or impr	on and belief are believ e knowledge that willfu isonment, or both, und lful false statements ma	y own knowledge are true and that all yed to be true; and further that these il false statements and the like so made ler Section 1001 of Title 18 of the United ay jeopardize the validity of the
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APPENDIX A

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by \pmu1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.